#### This was an NC primarially written by Felix that we used in response to Kant and Phil Affs

## 1NC

### FW

#### Prescriptive claims can’t be derived from descriptive properties like how we descriptively reason. Explanatory meta-ethical accounts of morality commit a conceptual error. Morality exists to explain what is right, not what is so.

Reader Reader, Soren. [Late Professor of Philosophy, Durham University] “New Directions in Ethics: Naturalism, Reasons, and Virtue.” Ethical Theory and Moral Practice, Vol. 3, No. 4, Dec. 2000.

What is the alternative? To understand ethics in its own terms. This deprives us of explanatory naturalism. We can’t without error expect to understand ethics in any terms but ethical.This has seemed to many philosophers to be unduly restrictive, and to threaten relativism.8 But in fact it does not lead to these difficulties ? or, more accurately, it doesn't exacerbate them. The problem of **displaying the rationality of ethics** in a compelling wayis real. But it is also general. It **is the same** **as** the problem of displaying **the rationality of** all the other things we do: **playing games**, conducting scientific enquiry, **writing** philosophy **papers.** We might be able to make connections between activities using an analogy with another game, say, to illuminate the game of chess for someone. But all we will ever be able to lay our hands on in the activity of explaining, is more of the same: parts of our life. The idea of our being able to use ‘theworld as it isin itself **to explain** anyof **our activities is** practically **contradictory. And the idea that rationality** supernature, rather than first nature **can** be used to **explain ethics** in this way, **involves a similar error. The way we** think acquire beliefs, deliberate,justify ourselves is also part of our life. It **is** as 'fundamental' in that life as ethics is, but no more so, **no more knowable ‘in itself’**, as Aristotle, in the grip of a similar error to our own, would have put it, **than it is ‘to us,’ here and now, living as we live. So explanatory accounts of ethics**, whetherthey invokefirst-nature or super natural reason, **are mistaken.** Explicatory naturalism is as far as we can go.And as far as we need to go.

#### And, it is impossible to derive the content of ethical obligation through some form of academic reflection. First, development of all such academic frameworks presuppose those prior values which were not yet been derived. Second, one cannot derive ethics from something non-ethical, because a) you would have to presuppose the proper way to make the derivation which smuggles in a hidden non-derived moral premise and b) it would simply end up describing the way the world is, not the way it ought to be.

#### Instead, a virtue paradigm views ethics as a *developmental* social phenomenon in which the pre-existing moral categories and inculcated as a disposition.

Reader 2: Reader, Soren. [Late Professor of Philosophy, Durham University] “New Directions in Ethics: Naturalism, Reasons, and Virtue.” Ethical Theory and Moral Practice, Vol. 3, No. 4, Dec. 2000.

Virtue is a free disposition to act in certain ways under certain conditions. Virtue ethics claims that what is to count as a good action or what is a good outcome is conceptually dependent on claims about the virtue of an agent. How is this dependence supposed to work? Where those after an explanatory account seek a conceptual connection with something like a normative 'in itself, virtue ethicists instead explore the concrete dependence of moral activity on the possibility of learning from already virtuous agents. They hold that the key to moral rationality is found in moral education. Ethics begins with the apprentice moral agent: the child, or the foreigner, or the damaged person in rehabilitation are all examples. These beginner-agents learn from the experienced, wise moral agent by copying, by mimicking in their actions the actions of the virtuous agent. This mimicking, or 'going on in the same way', does not presuppose that the learner agent acquires any representations of how the world is (i.e., beliefs), nor that they acquire the ability to report on or provide justifications for what they do. Virtue is learned by cottoning on to virtuous ways of doing things, going on to do the same, then going on to do the same in new ways, once they have mastered the skill.16 The way virtue and character is supposed to be basic here is simply displayed in the analogy: there is and can be nothing 'behind' the expertise of the phronimos which can explain or justify it (any more than there is anything 'behind' the expertise of the doctor or the navigator, to use Aristotle's examples at NE 1104b7-l 1). Of course, plenty more can be said about it, and shortcuts can be found to aid the learn ing of those who have already mastered other skills (so competent rule-fol lowers can learn from being given rules, just as competent grammarians can learn a new language from the grammar). But we should not confuse what it is possible to say about the skill of being moral, with what constitutes it.

#### Thus the standard is Promoting Human Flourishing. Promoting Human Flourishing means helping people live virtuous lives – i.e., enabling them to be better, not happier

#### To clarify

#### 1. The theory is not concerned with the abstract or the universal flourishing of the rational person, but instead with the concrete animalized human. This means a) that no universal developmental account will cover all humans and b) we cannot assess natural goods like autonomy via decontextualized a-historical idealism.

#### 2. The virtuous state is not utilitarian: it cannot impose a toxic environment and exclude minorities from virtuous flourishing because they have the responsibility to ‘educate a racist.’

#### 3. The natural form is etiological. Just as an original painting and excellent copy may have the same final product, but differs utterly in value.

### Contention

#### The state has an obligation to inculcate civic virtue.

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Aristotle explicitly repudiated the notion of limited government that was defended by some of his contemporaries. He quoted the sophist Lycophron as saying that a government exists “for the sake of alliance and security from injustice” and that laws should serve as “a surety to one another of justice.” Aristotle disagreed. Rather than confine itself to this negative function — the enforcement of justice — **the state should actively promote the good life**. **In order to promote the good life and maintain social order, the state should inculcate civic virtue. Those “who care for good government take into consideration virtue and vice in states. Whence it may be further inferred that virtue must be the care of the state which is truly so called.”** This concern with civic virtue was the basis for Aristotle’s plan of a comprehensive system of state education, one explicitly based on the Spartan model. Like Plato, Aristotle did not distinguish between the voluntary sphere of society and the coercive sphere of the state (or city-state, in their case). Consequently, individual freedom was not important enough for Aristotle even to consider when recommending laws. As a philosopher who believed he knew what is needed for a good society, Aristotle argued that laws should be concerned with producing “the healthiest possible bodies in the nurseries of the state.” The age of marriage for women should be around eighteen; for men, thirty-seven. Marriages should take place during winter, and married couples must “render service to the state by bringing children into the world.” Pregnant women should engage in moderate exercise by being required to make daily pilgrimages to a religious shrine. According to Aristotle, “There should certainly be a law to prevent the rearing of deformed children,” but infanticide should be against the law when used merely as a method of population control. Instead, laws should limit the size of the family. When this limit is exceeded the pregnant woman should be compelled to abort by inducing a miscarriage (provided “sense and life” have not yet begun in the embryo). The physical health of children should be closely supervised. They should be habituated from an early age to endure cold weather; this will further their health and harden them “in advance for military service.” Superintendents of education should determine appropriate stories and games, which should be neither laborious nor effeminate. In short, “The superintendents of education must exercise a general control over the way in which children pass their time.” The legislator must also prohibit corrupting influences. The use of bad language should be proscribed “everywhere in our state,” and those who speak or act indecently “must be punished accordingly.” (Younger violators should be subjected to physical punishment, whereas older violators should “undergo indignities of a degrading character.”) And by the same logic, indecent pictures, paintings, statues, and plays should also be prohibited. The list goes on and on. So far there seems to be no essential difference between the fundamental approaches of Plato and Aristotle, but Aristotle made a distinction that Plato had not. Aristotle, unlike Plato, drew a distinction between a good man and a good citizen, and this distinction would have a profound influence on later philosophy. According to Aristotle, our common nature as human beings generates a concept of the good man that applies to everyone, so Aristotle agreed with Plato that in an ideal state there would be no difference between the good man and the good citizen. But Aristotle goes on to say that in states as we actually find them, the civic virtues of a good citizen vary according to the nature of the state in question. The upshot of Aristotle’s argument is that one can be a good citizen while lacking some of the moral qualities of a good man. Civic virtue covers a good deal of ground for Aristotle, but in his distinction between the good man and the good citizen there exists the potential argument that state education should be restricted to teaching the civic virtues essential to citizenship, thereby leaving a broad area of moral autonomy to the individual — a sphere in which the state should not intervene. Here we need to jump ahead to the thirteenth century and the writings of Thomas Aquinas, who was principally responsible for integrating many of Aristotle’s ideas into Christian political philosophy. Following Aristotle, Aquinas distinguished the good citizen from the good man; one can possess the virtues necessary for citizenship (e.g., one can abstain from theft) while being morally deficient in other respects. Although Aristotle was the source of this doctrine, Aquinas drew conclusions from it that Aristotle had not. According to Aquinas, **the purpose of human laws is to “uphold the common good of justice and peace.” Coercive laws are necessary to regulate external behavior, but they cannot create virtuous men, because** (as he wrote in Summa Contra Gentiles) “th**e main thing in virtue is choice, which cannot be present without voluntariness to which violence is opposed.**” In contrast to an earlier strain in Christian thought, according to which the repression and punishment of sin are fundamental purposes of government, Aquinas distinguished between two categories of vice, namely, those vices that violate the principles of justice and those personal vices that do not. As Aquinas wrote in his Summa Theologica: [H]uman law is framed for a number of human beings, the majority of whom are not perfect in virtue. Therefore human laws do not forbid all vices, from which the virtuous abstain, but only the more grievous vices, from which it is possible for the majority to abstain, and chiefly those that are to the hurt of others, without the prohibition of which human society could not be maintained; thus human law prohibits murder, theft and the like. I do not wish to suggest that Aquinas was a libertarian – far from it – but in contending that individuals have a moral “sphere of action which is distinct from that of the whole,” and in contending that actions in this sphere should be left to voluntary choice, even though vice might be the result (he went so far as to defend legalized prostitution), Aquinas established a conceptual framework that would later play a major role in the libertarian distinction between vices and crimes. For Aquinas, as one commentator has noted, human laws “did not make men good but rather established the outward conditions in which a good life can be lived.” This was a significant departure from the teachings of Plato and Aristotle, neither of whom left room for a sphere of personal autonomy that should be exempt from the power of the state. In earlier essays I discussed the Spartan model of education, its influence on Plato and Aristotle, and Plato’s objections to free market education. In this essay I have outlined Aristotle’s views on education and explained how his distinction between a good man and a good citizen was modified by Aquinas. Tracking the influence of ideas over many centuries is always a tricky enterprise, especially in the limited space available to me in this format, but we can now proceed to examine some typical examples of how the models I outlined were used by later advocates of state education. The Spartan model was frequently invoked during the eighteenth century by those philosophers who believed that **the fundamental purpose of education should be to “form valuable citizens to the state**” (as Baron d’Holbach, a patron of the French philosophes, put it). With the rise of nationalism children were seen as future citizens and patriots whose education must be carefully supervised to insure proper results. “Thus,” wrote Charles Duclos in 1750, “it is patent that in Spartan education, the first task was to form Spartans. In the same way, **the sentiments of citizenship must be inculcated in every state**; among us, Frenchmen must be formed, and in order to create Frenchmen, we must first work to form men.” Montesquieu, in his immensely influential Spirit of the Laws (1748), set the stage for a good deal of Enlightenment thinking about children, the state, and education. **If a democratic republic is to survive, it must imbue its citizens with civic virtue – “a love of the laws and of our country,” a love that elevates the public interest above private interests**. Montesquieu praised Spartan education for its ability to produce virtuous citizens, and he left no doubt that this should be the central task of education in a republic: “**Everything therefore depends on establishing this love in a republic; and to inspire it ought to be the principal business of education**.” Another formative influence on Enlightenment thinking was J.J. Rousseau, another fan of the Spartan model. In his essay on Political Economy (1758), Rousseau echoed Plato’s objections to free market education. The state should not “abandon to the intelligence and prejudices of fathers the education of their children, as that education is of still greater importance to the State than to the fathers.” **Public education is needed to insure that citizens “will do nothing contrary to the will of society.”** Children should be taught “to regard their individuality in its relation to the body of the State, and to be aware, so to speak, of their own existence merely as part of that of the State….”

#### That entails restricting university speech.

**Byrne 91**, J. Peter Byrne (Associate Professor, Georgetown University Law Center), Racial Insults and Free Speech Within the University, 79 Geo. L.J. 399 (1991).

**The university’s relationship to the speech of its members is fundamentally different from the state’s**. The university has a corporate reverence for speech as the embodi- ment of, and stimulus to, thinking and knowledge.84 **Implicit in the university’s core function is the regulation of expression to enhance its quality**. Membership in the aca- demic community is restricted to those who possess the talent and training to teach or learn at a high level. The academic speech of the teachers and the students is subject to disciplinary norms deemed to facilitate criticism and discourse; those who do not meet the standards of speech set by the university are subject to penalties—students through grades and faculty through the denial of promotion or tenure. These **restrictions exist because academics traditionally believe that the ends of scholarship and teaching are advanced by adherence to collective criteria**. Thus, the fact that universities function through speech and the criticism of ideas does not mean that speech ought to be under less restriction there than in society as a whole; on the contrary, both **scholarship and learning necessarily involve the discipline of speech to improve it**.85 Confusion about the nature of free speech in universities stems in part from a tradition of viewing the university, the corporate entity distinct from students, faculty, and administrators, as properly neutral about the speech of its members.86 This view of the university played a large role in the arguments advanced for academic freedom by professors earlier in this century.8 7 These pioneers sought to protect themselves from Christian or capital- ist biases held by trustees and administrators that could constrain the development of scientific or objective knowledge; accordingly, they sought to devolve evaluation of the acceptability of a professor’s views or methods from lay trustees to academically rec- ognized experts in the speaker’s field. 88 While the different facets of the academic community may have concerns about who speaks for the university or what political coloration the institution adopts, never has it been accepted that the university should be indifferent about the value of teaching and learning. **The university’s commitment to teaching and learning of a certain kind represents ideological attachments from which no member of the academic community ought to back away**. These commitments give focus and value to the academic enterprise. **The university as speech monitor thus is quite different from the state. The university pursues normative goals of speech, such as clarity, rigor, responsiveness, and balance, whereas the state must be neutral about both the ends and the means of speech**. When the university proscribes a manner of speech, it is more likely that the step is taken to further valid goals of education or scholarship rather than to maintain favor with the majority who may dismiss the censor.89 **The role of the university as speech monitor seems tolerably well established within the domains of curricular instruction and scholarship**. The academic justification for university reg- ulation of speech beyond the curriculum has been insufficiently studied.

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### Overviews

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